

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEVEN TRADE LLC,

Plaintiff,

-against-

MEDICAL ENGINEERING LLC, LONNIE BANKS,
VIKING SALES GROUP LLC, AND SHLOMO E.
SUISSA,

Defendants.
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No. 7:22-cv-01673 (PMH)

**DECLARATION OF
GLEN LENIHAN, ESQ. IN
SUPPORT OF PROPOSED
ORDER TO SHOW CAUSE FOR
A DEFAULT JUDGMENT**

GLEN LENIHAN, hereby declares under penalty of perjury:

1. I am a partner with the law firm Oved & Oved LLP, attorneys for Plaintiff Seven Trade LLC (“Plaintiff”) in this action. As such, I am familiar with the facts and circumstances herein.

2. I submit this declaration in support of Plaintiff’s motion, pursuant to Fed. R. Civ. P. 55(b)(2), for an order entering a default judgment against Defendants Medical Engineering LLC (“Medical Engineering”), Lonnie Banks (“Banks”), Viking Sales Group LLC (“Viking”), and Shlomo E. Suissa (“Suissa”) (collectively, “Defendants”), in the total amount of \$2,786,500 plus pre- and post- judgment interest, on the grounds that Defendants have failed to respond to Plaintiff’s complaint.

A. Relevant Factual Background

3. Plaintiff commenced this action by filing a complaint, dated February 28, 2022 (the “Complaint”), asserting jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Defendants are domiciled in different states, and the amount in controversy exceeds \$75,000.

4. A copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**.

5. Summonses for each of the Defendants were issued on March 1, 2022 (each, a “Summons”). *See* ECF Dkt. Nos. 8-11.

6. On March 9, 2022, Plaintiff served Suissa with the Summons and Complaint by substitute service on his co-resident, Perah Nahmai, at Suissa’s usual place of abode, after which Plaintiff sent an additional copy of such documents to Suissa by mail on March 24, 2022. Plaintiff filed the affidavit of service annexed hereto as **Exhibit B** on March 29, 2022.

7. On March 10, 2022, Plaintiff served Banks by serving the Summons and Complaint to Allen “Doe,” a manager at Banks’ actual place of business who was authorized to accept service for Banks, and send an additional copy of such documents to Banks by mail on March 24, 2022. Plaintiff filed the affidavit of service annexed hereto as **Exhibit C** on March 29, 2022.

8. On March 31, 2022, Plaintiff served the Summons and Complaint on Medical Engineering’s registered agent, the First State Registered Agent Company, and filed the affidavit of service annexed hereto as **Exhibit D** on April 1, 2022.

9. Plaintiff attempted service on Viking’s registered agent, but could not accomplish service because the registered agent was no longer at the address on file with the Florida Secretary of State, Division of Corporations. Plaintiff then attempted service on Viking’s managing member, Suissa, at his last known address in Florida, but despite repeated attempts, could not effectuate service because Suissa suspiciously was not home during any of Plaintiff’s multiple service attempts. Copies of the affidavits of attempted service are collectively annexed hereto as **Exhibit E**.

10. Accordingly, on May 14, 2022, the Florida Secretary of State, Division of Corporations agreed to accept service of the Summons and Complaint on behalf of Viking. Plaintiff then mailed the Division of Corporation’s letter together with an additional copy of the

Summons and Complaint to Viking's registered agent via certified mail on May 19, 2022, and filed proof of service on May 20, 2022. A copy of the declaration of service is annexed hereto as **Exhibit F**.

11. Based on the foregoing, the deadlines for Defendants to answer or otherwise move in response to the Complaint were, at the latest, (i) April 14, 2022 for Suissa and Banks, (ii) April 21, 2022 for Medical Engineering, and (ii) June 9, 2022 for Viking.

12. Defendants failed to answer or otherwise respond to the Complaint by these deadlines, and the time for Defendants to do so was not extended.

13. Accordingly, Plaintiff requested Clerk's Certificates of Default for each of the Defendants, which, the Clerk of the United States District Court for the Southern District of New York executed on June 23, 2022. Copies of the executed Clerk's Certificates of Default with respect to each Defendant are annexed hereto as **Exhibits G-J**.

14. A proposed Order of Default Judgment is annexed hereto as **Exhibit K**.

15. No part of the judgment sought has been paid.

16. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

WHEREFORE, Plaintiff requests that the Court enter a judgment by default in the amount of \$2,786,500 plus pre- and post-judgment interest, and any other relief the Court may deem appropriate.

Dated: New York, New York
June 27, 2022

s/ Glen Lenihan
Glen Lenihan, Esq.